

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

STEPHEN D. CAIAZZO,
Plaintiff

v.

THE MEDALLION INSURANCE
AGENCIES, INC.,
Defendant

CIVIL ACTION NO.
04-12627 RCL

PLAINTIFF STEPHEN D. CAIAZZO'S MOTION FOR RELIEF FROM JUDGMENT

The plaintiff, Stephen D. Caiazzo ("Caiazzo"), hereby moves this Court for relief from the judgment entered against him by this Court on February 26, 2007 pursuant to Rule 60(b)(1),(2), (3) and (6).

This case was scheduled for trial on February 26, 2007 at 9:00 A.M. Shortly before 9:00 A.M., defense counsel handed plaintiff's counsel Defendant, Medallion Insurance Agencies, Inc.'s Motion to Dismiss Plaintiff's Complaint ("Medallion's Motion to Dismiss"). The Court then met with counsel for the parties in chambers and allowed Medallion's Motion to Dismiss.

The grounds for this motion are that the assertions in Medallion's Motion to Dismiss are false and that these false assertions misled the Court. Caiazzo's counsel did not have sufficient time to prepare a meaningful opposition to Medallion's Motion to Dismiss and was unable to properly answer the questions posed by the Court including questions regarding a trial that occurred in December 2005 in Salem District Court.

Medallion's Motion to Dismiss falsely asserts that Caiazzo had been paid in full for his

property loss. Medallion's Motion to Dismiss falsely asserted that Caiazzo had advanced a scheme to seek double recovery for his loss. Also, Medallion's Motion to Dismiss falsely asserted that Caiazzo received a full recovery for his losses in Salem District Court.

An Affidavit of Stephen D. Caiazzo and memorandum in support of this motion for relief from judgment are filed herewith.

Based upon the Affidavit of Stephen D. Caiazzo and the accompanying memorandum, the Court should allow this motion for relief from judgment.

REQUEST FOR ORAL ARGUMENT

In accordance with Local Rule 7.1(d), Caiazzo hereby requests oral argument on this motion.

By Plaintiff's Attorney,

/s/ Dean Carnahan
DEAN CARNAHAN
BBO #074580
LAW OFFICES OF DEAN CARNAHAN
51 Newcomb Street
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Dated: November 6, 2007

CERTIFICATE OF SERVICE

I, Dean Carnahan, hereby certify that this document(s) filed through the EDF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Date: November 6, 2007

/s/ Dean Carnahan
DEAN CARNAHAN

B-2274-MRJ

